

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \* \* \*

TOMMIE LEE MCDOWELL JR.,

Plaintiff,

v.

RICHARD RIMINGTON,

Defendant.

3:09-cv-00315-LRH-VPC

ORDER

Before this Court is the Report and Recommendation of U.S. Magistrate Judge Valerie P. Cooke (#86<sup>1</sup>) entered on February 8, 2011, recommending denying Defendant's Motion for Summary Judgment (#75) filed on November 15, 2010. No objection to the Report and Recommendation has been filed. The action was referred to the Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)B and Local Rule 1B 1-4 of the Rules of Practice of the United States District Court for the District of Nevada.

The Court has conducted its *de novo* review in this case, has fully considered the pleadings and memoranda of the parties and other relevant matters of record pursuant to 28 U.S.C. § 636 (b) (1) (B) and Local Rule IB 3-2. The Court determines that the Magistrate Judge's Report and Recommendation (#86) entered on February 8, 2011, should be adopted and accepted.

<sup>1</sup>Refers to court's docket number.

1 IT IS THEREFORE ORDERED that the Magistrate Judge's Report and Recommendation  
2 (#86) entered on February 8, 2011, is adopted and accepted, and Defendant's Motion for Summary  
3 Judgment (#75) is DENIED.

4 IT IS SO ORDERED.

5 DATED this 5th day of March, 2011.

6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26



---

LARRY R. HICKS  
UNITED STATES DISTRICT JUDGE